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MICHAEL W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiffs,  
BMG MUSIC; SONY BMG MUSIC  
ENTERTAINMENT; UMG  
RECORDINGS, INC.; VIRGIN RECORDS  
AMERICA, INC.; WARNER BROS.  
RECORDS INC.; and ATLANTIC  
RECORDING CORPORATION

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
DIVISION

JCS

BMG MUSIC, a New York general partnership;  
SONY BMG MUSIC ENTERTAINMENT, a  
Delaware general partnership; UMG  
RECORDINGS, INC., a Delaware corporation;  
VIRGIN RECORDS AMERICA, INC., a  
California corporation; WARNER BROS.  
RECORDS INC., a Delaware corporation; and  
ATLANTIC RECORDING CORPORATION, a  
Delaware corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE 08-3991

EX PARTE APPLICATION FOR LEAVE  
TO TAKE IMMEDIATE DISCOVERY

EX PARTE APPLICATION FOR LEAVE TO TAKE IMMEDIATE DISCOVERY

Case No. \_\_\_\_\_

#39525 v1

1 Plaintiffs, through their undersigned counsel, pursuant to Federal Rules of Civil Procedure 26  
2 and 45, the Declaration of Carlos Linares, and the authorities cited in the supporting Memorandum  
3 of Law, hereby apply for an Order permitting Plaintiffs to take immediate discovery.

4 In support thereof, Plaintiffs represent as follows:

5 1. Plaintiffs, record companies who own the copyrights in the most popular sound  
6 recordings in the United States, seek leave of the Court to serve limited, immediate discovery on a  
7 third party Internet Service Provider ("ISP") to determine the true identity of Defendant # 4, who is  
8 being sued for direct copyright infringement.

9 2. As alleged in the complaint, Defendant Doe, without authorization, used an online  
10 media distribution system to download Plaintiffs' copyrighted works and/or distribute copyrighted  
11 works to the public. Although Plaintiffs do not know the true name of Defendant, Plaintiffs have  
12 identified Defendant by a unique Internet Protocol ("IP") address assigned to Defendant on the date  
13 and time of Defendant's infringing activity.

14 3. Plaintiffs intend to serve a Rule 45 subpoena on the ISP seeking documents that  
15 identify Defendant's true name, current (and permanent) address and telephone number, e-mail  
16 address, and Media Access Control ("MAC") address. Without this information, Plaintiffs cannot  
17 identify Defendant or pursue their lawsuit to protect their copyrighted works from repeated  
18 infringement.

19 4. Good cause exists to allow Plaintiffs to conduct this limited discovery in advance of a  
20 Rule 26(f) conference where there are no known defendants with whom to confer.

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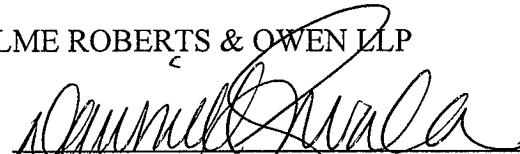
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1 WHEREFORE, Plaintiffs apply for an Order permitting Plaintiffs to conduct the foregoing requested  
2 discovery immediately.

3  
4 Dated: August 21, 2008

HOLME ROBERTS & OWEN LLP

5  
6 By



DAWNIELL ZAVALA

Attorney for Plaintiffs

7 BMG MUSIC; SONY BMG MUSIC  
8 ENTERTAINMENT; UMG RECORDINGS,  
9 INC.; VIRGIN RECORDS AMERICA, INC.;  
10 WARNER BROS. RECORDS INC.; and  
11 ATLANTIC RECORDING CORPORATION  
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